

Message Text

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ORIGIN L-02

INFO OCT-01 IO-10 ISO-00 DLOS-03 /016 R

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DRAFTED BY: L/OES/JRCROOK:SCH

APPROVED BY: L/OES-JRC

D/LOS-O.E. ESKIN

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FM SECSTATE WASHDC

TO USMISSION GENEVA

C O N F I D E N T I A L STATE 081748

FOR US DEL LOS

FOLLOWING REPEAT OTTAWA 1054 ACTION SECSTATE 20 MARCH.

QUOTE

C O N F I D E N T I A L OTTAWA 1054

E.O. 11652: GDS

TAGS: SENV, CA

SUBJECT: EASTPORT REFINERY

1. EMBASSY HAS RECEIVED COPY OF MAINE ENVIRONMENTAL PROTECTION BOARD MARCH 12 ORDER CONCERNING PITTSTON APPLICATION FOR REFINERY AT EASTPORT (COPY POUCHED TO EUR/CAN). EMBASSY NOTES WITH PARTICULAR INTEREST PARAGRAPH 4 ON PAGE 18 OF THE ORDER, WHICH STATES: "PITTSTON SHALL EXECUTE APPROPRIATE AGREEMENTS OR OTHERWISE SECURE APPROVAL OR PERMITS FROM APPROPRIATE CANADIAN AUTHORITIES (1) REGARDING TRANSIT THROUGH AND PILOTAGE IN CANADIAN WATERS, AND (2) INSTALLATION, CONSTRUCTION, MAINTENANCE AND USE OF NAVIGATIONAL AID IN CANADIAN TERRITORY, OR PROVIDE TO THE BOARD CERTIFICATES FROM SUCH OFFICIALS STATING THAT NO SUCH AGREEMENTS, APPROVALS OR PERMITS ARE REQUIRED."

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2. UNDERSTANDABLY, GOC OFFICIALS HAVE STATED TO
EMBOFFS THAT THEY ARE IMMENSELY
PLEASE AT THIS PROVISION, WHICH THEY INTERPRET AS GIVING GOC
A VETO OVER TRANSPORT THROUGH HEAD HARBOR PASSAGE IN RELATION
TO THE PITTSBURGH REFINERY. TO EQUIP US TO HANDLE
QUESTIONS ON THIS PROVISION, EMBASSY WOULD GREATLY
APPRECIATE LEGAL ADVISER'S OPINION AS TO WHETHER OR
NOT IT IS CONSIDERED ULTRA VIRES FOR A STATE BOARD
TO REQUIRE A PRIVATE U.S. FIRM TO CONCLUDE NEGOTIATIONS
WITH A FOREIGN COUNTRY AS A SPECIFIC CONDITION FOR THE
BOARD'S APPROVAL OF AN INDUSTRIAL APPLICATION. EMBASSY
WOULD ALSO APPRECIATE THE DEPARTMENT'S OPINION CON-
CERNING THE LEGALITY OF THE BOARD'S ACTION IN, IN EFFECT,
GRANTING TO CANADA THE RIGHT TO DEFINE INNOCENT
PASSAGE THROUGH HEAD HARBOUR PASSAGE.
PORTER UNQUOTE KISSINGER

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Message Attributes

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Draft Date: 10 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
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Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: L/OES/JRCROOK:SCH
Enclosure: n/a
Executive Order: GS
Errors: N/A
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Margaret P. Grafeld
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Subject: EASTPORT REFINERY
TAGS: SENV, CA, US
To: GENEVA
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